

REMARKS

Claims 31-49 were pending and presented for examination and in this application. All pending claims were rejected. Claims 31-33, 42, and 44-46 have been amended herein. Claim 50 has been added. Support for new claim 50 can be found, for example, in Applicants' Specification paragraph [0013]. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below. In view of the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding rejections, and withdraw them.

Claim Rejections Based on Tendler

The Examiner rejected claims 31-36, 41-47 and 49 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent No. 6,778,820 ("Tendler"). This rejection is traversed.

Claim 31 recites "a remote gaming device having a memory arranged to store geographic delimiters defining an authorized gaming area for the gaming source" (Emphasis added). Claim 31 also recites "the remote gaming device determines whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters". These features of the claimed invention are beneficial because they allow the remote gaming device to determine whether the physical location of the device is within the authorized gaming area. Therefore, game play can be prevented in areas where it would subject the player or gaming source to criminal penalties.

The claimed features of "a remote gaming device having a memory arranged to store geographic delimiters defining an authorized gaming area", and "the remote gaming device

determines whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters” are not disclosed or suggested in Tendler. Tendler discloses a wireless phone having a GPS receiver, where the phone reports a location of the phone at the time of placing a phone wager so that a sports bet can verify that the wager is being placed within the geographic limits of the wagering authority. See Tendler, Abstract. As such, Tendler’s wireless phone transmits the physical location of the wireless phone to the sports bet so that the sports bet can determine whether the wireless phone is within the geographic limits. The wireless phone in Tendler does not store geographic delimiters defining an authorized gaming area, as required by the claimed invention. The wireless phone in Tendler also does not determine whether the physical location of the wireless phone is within the authorized gaming area. Because Tendler does not disclose or suggest the claimed features of “a remote gaming device having a memory arranged to store geographic delimiters defining an authorized gaming area”, and “the remote gaming device determines whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters”, it is respectfully requested that the rejection of claim 31 under 35 USC § 102(e) as being anticipated Tendler be withdrawn.

Claims 42 and 45 respectively recite “providing to the remote gaming device” and “storing with a remote gaming device” the geographic delimiters defining an authorized gaming area. Claims 42 and 45 also recite the remote gaming device determining “whether a physical location of the device is within the authorized gaming area defined by the geographic delimiters”. Thus, the arguments advanced above with respect to claim 31 apply to claims 42 and 45 with equal force. Thus, Applicants submit that claims 42 and 45 are also patentable over Tendler.

As claims 31-36, 41, 43-44, 46-47, and 49-50 depend either directly or indirectly from the patentable independent claims discussed above, all arguments advanced above with respect to independent claims 31, 42, and 45 are hereby incorporated so as to apply to claims 31-36, 41, 43-44, 46-47 and 49-50. In addition, claims 31-36, 41, 43-44, 46-47 and 49-50 recite other patentable features which further distinguish them from the prior art of record. Applicants submit that dependent claims 31-36, 41, 43-44, 46-47 and 49-50 are patentable over Tendler by reason of their dependency, in addition to the further patentable limitations recited therein.

Claim Rejections Based on Tendler in View of Clapper, Kotzin, or Thiriet

The Examiner rejected claims 37-40 and 48 under 35 USC § 103(a) as allegedly being unpatentable in view of Tendler and U.S. Patent Application No. 20020168967 by Clapper et al. (“Clapper”), U.S. Patent No. 6,470,180 to Kotzin (“Kotzin”), or U.S. Patent Application No. 20020168967 by Thiriet (“Thiriet”). These rejections are respectfully traversed.

Clapper, Kotzin, and Thiriet, taken alone or in combination fail to remedy the deficiencies of Tendler. Namely, none of the applied references show or suggest at least these claimed features: (1) the remote gaming device storing geographic delimiters defining an authorized gaming area, and (2) the remote gaming device determining whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters.

Clapper discloses a wireless retail customer intranet in which customers can use personal digital assistants (PDAs) to communicate with a server operated by the retail facility. *See* Clapper, Abstract. Although information sent from the retail facility’s service

to the particular customer's PDA may be based on the customer's current location (*see* Clapper, paragraph [0039]), Clapper fails to disclose storing *geographic delimiters defining an authorized gaming area*, and fails to disclose *the remote gaming device determining whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters*, both of which are features of the claimed invention.

Kotzin, which discloses a wireless system for communicating data to a handheld wireless device (*see* Kotzin, Abstract), is completely silent as to a location-verified gaming or player device. Accordingly, Kotzin fails to disclose storing *geographic delimiters defining an authorized gaming area*, and *the remote gaming device determining whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters*, as required by the claimed invention.

Thiriet discloses a cell phone for playing electronic games. *See* Thiriet, Abstract. However, Thiriet is not at all concerned with the legal restrictions attendant with wagering, and as such, is silent as to any mechanism for verifying a location of its cell phone. Accordingly, Thiriet fails to disclose storing *geographic delimiters defining an authorized gaming area*, and *the remote gaming device determining whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters*, as required by the claimed invention.

In view of the above, none of the applied references, whether taken alone or in any combination, disclose or suggest at least the claimed features of a remote gaming device storing *geographic delimiters defining an authorized gaming area*, or *the remote gaming device determining whether the physical location of the device is within the authorized gaming area defined by the geographic delimiters*, as required by the independent claims 31,

42, and 45. As claims 37-40 and 48 depend either directly or indirectly from the patentable independent claims discussed above, all arguments advanced above with respect to independent claims 31, 42, and 45 are hereby incorporated so as to apply to claims 37-40 and 48. In addition, claims 37-40 and 48 recite other patentable features which further distinguish them from the prior art of record. Applicants submit that dependent claims 37-40 and 48 are patentable over the art of record by reason of their dependency, in addition to the further patentable limitations recited therein.

Conclusion

In sum, Applicants respectfully submit that claims 31-50 are in condition for allowance. Applicants request reconsideration of the basis for the rejections of these claims and request allowance of them.

If the Examiner believes that for any reason direct contact with Applicants' attorney would help advance the prosecution of this case, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
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